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10/595,927	03/29/2007	Andrew Thoelke	042933/392619	9109

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EXAMINER	
KRISHNAN, NIKHIL R	
ART UNIT	PAPER NUMBER
2195	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,927	THOELKE ET AL.	
	Examiner	Art Unit	
	NIKHIL KRISHNAN	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/22/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending,

Claim Objections

2. Claim 11 is objected to because of the following informalities: it recites on line 2 “a patent process”, wherein it should instead recite "a parent process". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claim 13 recites a “computing device”; however, it appears that the computing device would reasonably be interpreted by one of ordinary skill in the art as software, per se, failing to be tangibly embodied or include any recited hardware as part of the system. Software alone is directed to a non-statutory subject matter. Applicant is advised to amend the claims to include a hardware (i.e. processor and memory) to overcome the 101 rejection.

5. Claim 14 fails to cure the deficiencies of parent claim 13.

6. Claim 15 recites “computer software” and appears to be comprised of software alone without claiming associated computer hardware required for storing and execution the program product. Applicant is suggested to amend the preamble of the claim to include “computer software stored in a memory and executed by a processor” to overcome the outstanding 101 rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claim language is unclear:

i. Claim 1, line 3 recites "the process" but it is unclear if this refers to the previously mentioned "a process" or "another process".

ii. Claim 10, lines 1-2 recite "the said other process" but it is unclear if this refers to "the process" or "another process".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1, 5, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,802,590 to Draves (hereafter Draves).

9. Draves was submitted with the IDS filed 1/22/07.

10. As per claim 1, Draves teaches a method of operating a computing device,

the method comprising allocating a handle to a process for enabling the process to use a resource allocated to another process (col 7, lines 12-14: server process shares a resource with the client process by passing the handle/key pair),

arranging the handle such that the process is not able to identify the resource (Abstract, lines 5-7; col 5, lines 13-20; col 7, lines 26-30: handle/key pair abstracts the resource into an hash index + encrypted key, controlled by the kernel), and

inhibiting further access by the process to the resource after the use of the resource by the process arising from the allocation of the handle has been terminated (col 5, lines 62 – col 6, line 2; col 5, lines 50-51).

11. As per claim 5, Draves teaches wherein the resource is selected to comprise a file at least one of computing device memory, a semaphore, a mutex, a chunk, a message queue, a thread, a file, or a device channel (col 5, lines 29-32).

12. As per claim 15, it recites computer software in accordance with method claim 1. As such, claim 15 is rejected using the same art and rationale as with claim 1.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and applicant admitted prior art (hereafter AAPA) as disclosed in the application specification.

15. As per claim 2, Draves does not explicitly teach wherein the handle is arranged to enable a plurality of resources allocated to the said another process to be used by the process.

16. AAPA teaches wherein the handle is arranged to enable a plurality of resources allocated to the said another process to be used by the process (p. 4, lines 1-2).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine AAPA with Draves because AAPA teaching of a handle enabling access to a plurality of resources would have been more efficient than a one-to-one handle-resource ratio.

18. As per claim 3, Draves does not explicitly teach wherein the handle is arranged to enable a plurality of processes other than the said another process to use the resource allocated to the said another process.

19. AAPA teaches wherein the handle is arranged to enable a plurality of processes other than the said another process to use the resource allocated to the said another process (p. 4, ¶2, lines 4-7).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine AAPA with Draves because AAPA teaching of a handle enabling access by a plurality of processes would have been more efficient than a one-to-one handle-process ratio.

21. As per claim 4, AAPA teaches wherein the handle is arranged to enable a plurality of processes other than the said another process to use the resource allocated to the said another process (p. 4, ¶2, lines 4-7).

22. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and U.S. Patent 6,601,102 B2 to Eldridge, et. al (hereafter Eldridge).

23. As per claim 6, Draves does not explicitly teach wherein, when the resource comprises a file, the file comprises at least one of a trusted font file or a message attachment file for the said another process.

24. Eldridge teaches wherein, when the resource comprises a file, the file comprises at least one of a trusted font file or a message attachment file for the said another process (Abstract, lines 10-13: token serves same purpose as handle; col 7, lines 5-12: token passed representing attached file of e-mail message).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eldridge with Draves because Eldridge teaching of providing a handle for an e-mail message attachment file would have enabled secure, low-overhead e-mail messaging.

26. As per claim 7, Draves does not explicitly teach wherein the resource is located in a data cage within the said another process.

27. Eldridge teaches wherein the resource is located in a data cage within the said another process (col 4, lines 57-61: tokens may reference documents stored on the shared document server itself).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eldridge with Draves because Eldridge teaching of a passing tokens for internally stored resources would have enabled secure sharing of documents on a document server by the document server.

29. As per claim 8, Draves does not explicitly teach wherein the process is selected to comprise a file server.

30. Eldridge teaches wherein the process is selected to comprise a file server (col 15, lines 6-16: token allocated to secure document server, token representing document already allocated to the "issuer" process, token enables the document server to locate/transfer the document; see also col 12, lines 29-31 & 44-46).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eldridge with Draves because Eldridge teaching of a

file server receiving a token for a document would have enabled the file server to coordinate secure sharing between two other processes communicatively coupled to the file server.

32. As per claim 9, Draves teaches wherein the file server is arranged to indicate to a kernel of the operating system for the computing device that it is able to support the use of the resource prior to the allocation of the handle to the server (col 5, lines 37-41; 46-55: client process indicates to the kernel that is able to support the use of the resource by passing a valid key to the kernel; kernel then allocates the updated handle to the process).

33. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and Eldridge, and in further view of U.S. Patent 6,971,017 B2 to Stringer, et. al (hereafter Stringer).

34. As per claim 10, Draves and Eldridge do not explicitly teach wherein the said other process is arranged to terminate a communication session with the server upon allocation of the file handle to the server.

35. Stringer teaches wherein the said other process is arranged to terminate a communication session with the server upon allocation of the file handle to the server (Fig. 2: transactions 132, 208, 218, 220, and 224; col 7, lines 25-29: user A terminates

session after transmitting signed token to the document server).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stringer with Draves and Eldridge because Stringer teaching of terminating the communication session upon allocation of the token would have reduced overhead associated with proxy processes that have already served their purpose.

37. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Draves, U.S. Pre-Grant Publication 2003/0200436 A1 to Eun, et. al (hereafter Eun), and U.S. Patent 6,934,757 B1 to Kalantar, et. al (hereafter Kalantar).

38. As per claim 11, Graves does not explicitly teach wherein the said another process comprises a parent process, the process comprises a child process, and the resource comprises a kernel resource for an operating system for the computing device.

39. Eun teaches wherein the said another process comprises a parent process, the process comprises a child process (Abstract, lines 1-3; [0076], lines 8-11).

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eun with Graves because Eun teaching of handle inheritance would have ensured coordinated processing between child and parent

processes.

41. Eun and Graves do not explicitly teach that the resource comprises a kernel resource for an operating system for the computing device.

42. Kalantar teaches that the resource comprises a kernel resource for an operating system for the computing device (Abstract, lines 1-7; col 5, lines 1-14: service domain is the kernel domain, handle points to data in the kernel domain).

43. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draves and Stringer.

44. As per claim 12, Draves does not explicitly teach wherein the handle is provided as an anonymous instantiation of a server required to access the resource.

45. Stringer teaches wherein the handle is provided as an anonymous instantiation of a server required to access the resource (col 7, lines 29-37; col 8, lines 52-59: registered user A establishes secure access to the server, that can then be transferred as a token to anonymous user B).

46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stringer with Draves because Stringer teaching of

anonymous instantiation would have enabled secure access by non-registered users.

47. As per claim 13, it recites a computing device arranged to operate according to method claim 12. As such, claim 13 is rejected using the same art and rationale as in claim 12.

48. As per claim 14, Stringer teaches comprising a wireless communication device (Fig. 2: Users A and B operate mobile computing devices 106 and 108).

Conclusion

49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKHIL KRISHNAN whose telephone number is (571) 270-5590. The examiner can normally be reached on M-Th, 8:30 am -7 pm.

50. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emerson Puente can be reached on (571) 272-3652. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Emerson C Puente/
Supervisory Patent Examiner, Art Unit 2195

NIKHIL KRISHNAN
Examiner
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